

Appl. No. 10/034,220
Amtd. dated February 11, 2005
Reply to Office action of December 9, 2004

REMARKS/ARGUMENTS

Receipt of the Office action dated December 9, 2004 is hereby acknowledged. In that action the Examiner: 1) objected to the specification for minor informalities; 2) objected to claim 27 for informalities; 3) rejected claims 6, 8, 10, 15, 19, 20, 24, 28 and 30 as allegedly indefinite; 4) rejected claims 1-2, 4-8, 21, 23, 27-30 as allegedly anticipated by admitted prior art; and 5) rejected claims 3-4, 9-20, 22 and 24-26 as allegedly unpatentable over admitted prior art in view of Hopmann (U.S. Pat. No. 6,578,069).

With this Response, Applicants amend claims 1, 5-6, 8, 10, 15, 19-21 and 24, cancel claims 27-30, and present new claims 31-34. Reconsideration is respectfully requested.

I. AMENDMENTS TO THE SPECIFICATION

With this Response, Applicants amend paragraphs [0004] and [0007] to address the objections to the specification. Further, Applicants amend paragraphs [0027] and [0031] to obviate any interpretation from the specification as to what one of ordinary skill may have known prior to the benefit of reading the current specification. Applicants further amend paragraph [0030] to correct a spelling error. No new matter is submitted.

II. SECTION 112 REJECTIONS

With this Response, Applicants amend claims 6, 8, 10, 15, 19, 20, and 24 to address rejection regarding the meaning of "128 bits." Claims 28 and 30 have been cancelled. Applicants further, in each of claims 6, 8, 10, 15, 19, 20, and 24, replace the "approximately" with "about," and respectfully direct the Examiner's attention to the Manual of Patent Examining Procedures (MPEP) § 2173.05(b)(A). Further, Applicants amend claim 19 to address the Section 112 rejection. No new matter is presented.

III. ART BASED REJECTIONS

A. Claim 1

Claim 1 stands rejected as allegedly anticipated by admitted prior art. Applicants amend claim 1 to remove limitations not needed to define over the cited art.

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

Applicants' Background section, in paragraph [0005], discusses assignment of a "services number" to a new BIOS routine by a BIOS call owner. (Specification Paragraph [0005]). Applicants' paragraph [0007] discusses a kernel level software (driver) that looks to a BIOS information table to obtain a BIOS version number and date, and determines therefrom whether the BIOS supports a particular BIOS routine. (Specification Paragraph [0007]). Thus, the comparison discussed in paragraph [0007] is to determine whether a particular BIOS routine, called by a services number, is supported in the BIOS.

Claim 1, by contrast, specifically recites, **"identifying BIOS routines with a unique identification number; correlating the unique identification number to at least a service number in a data table; [and] determining...a services number of the BIOS routine based on the unique identification number from the data table..."** Applicants respectfully submit that their Background section does not teach or fairly suggest the claim limitations. In particular, their Background section fails to teach or even suggest a unique identification number separate and apart from the "services number." Paragraph [0005] discusses assigning of a services number to a BIOS routine. Paragraph [0007] discusses determining whether a BIOS has a particular BIOS routine. If the "services number" discussed in paragraph [0005] is hypothetically considered to be the claimed unique identification number as suggested by the Office action, then the claimed "determining...a services number of the BIOS routine based on the unique identification number" becomes nonsensical. Conversely, if the "services number" discussed in paragraph [0005] is hypothetically considered to be the claimed services number, then the Background section fails to teach or even suggest the unique identification number.

Based on the foregoing, Applicants respectfully submit that claim 1 is not taught or rendered obvious by their Background section, and thus claim 1 should be allowed together with claims that depend from claim 1 (claims 2-4).

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

B. Claim 5

Claim 5 stands rejected as allegedly anticipated by admitted prior art. Applicants amend claim 5 to remove limitations not needed to define over the cited art.

Applicants' Background section, in paragraph [0005], discusses assignment of a "services number" to a new BIOS routine by a BIOS call owner. (Specification Paragraph [0005]). Applicants' paragraph [0007] discusses a kernel level software (driver) that looks to a BIOS information table to obtain a BIOS version number and date, and determines therefrom whether a BIOS supports a particular BIOS routine. (Specification Paragraph [0007]). Thus, the comparison discussed in paragraph [0007] is to determine whether a particular BIOS routine, called by a services number, is supported in the BIOS.

Claim 5, by contrast, specifically recites, "a data table stored within the BIOS ROM, and wherein data table **correlates unique identification numbers of BIOS routines to BIOS call services numbers** for the BIOS routines." Applicants respectfully submit that their Background section fails to teach or suggest a unique identification number separate and apart from the "services number." Paragraph [0005] discusses assigning of a services number to a BIOS routine. Paragraph [0007] discusses determining whether a BIOS has a particular BIOS routine. The table of paragraph [0007] is discussed to contain only a BIOS version number and date. This teaching is woefully short of a "data table [that] correlates unique identification numbers of BIOS routines to BIOS call services numbers for the BIOS routines."

Based on the foregoing, Applicants respectfully submit that claim 5 is not taught or rendered obvious by their Background section, and thus claim 5 should be allowed together with claims that depend from claim 5 (claims 6-8).

C. Claim 9

Claim 9 stands rejected as allegedly obvious over admitted prior art and Hopmann.

Applicants' Background section, in paragraph [0005], discusses assignment of a "services number" to a new BIOS routine by a BIOS call owner.

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

(Specification Paragraph [0005]). Applicants' paragraph [0007] discusses a kernel level software (driver) that looks to a BIOS information table to obtain a BIOS version number and date, and determines therefrom whether a BIOS supports a particular BIOS routine. (Specification Paragraph [0007]). Thus, the comparison discussed in paragraph [0007] is to determine whether a particular BIOS routine, called by a services number, is supported in the BIOS. Hopmann appears to be directed to a method, data structure and computer program product for identifying a network resource. (Hopmann Title).

Claim 9, by contrast, specifically recites, **"identifying a first BIOS routine with a first globally unique identification number; maintaining within the computer system a data table that lists globally unique identification numbers for available BIOS routines; and determining the availability of the first BIOS routine by searching the data table based on the first globally unique identification number..."** Applicants respectfully submit that their Background section does not teach or fairly suggest the claim limitations. In particular, their Background section fails to teach or suggest a globally unique identification number for a BIOS routine. Paragraph [0005] discusses assigning of a services number to a BIOS routine, e.g., services number one (see Paragraph [0025]) which is not globally unique. Paragraph [0007] discusses determining whether a BIOS has a particular BIOS routine. Even if the teachings of Hopmann were to be interpreted precisely as described in the Office action (which Applicants do not admit), the alleged admitted prior and Hopmann still fail to teach **"identifying a first BIOS routine with a first globally unique identification number; maintaining within the computer system a data table that lists globally unique identification numbers for available BIOS routines; and determining the availability of the first BIOS routine by searching the data table based on the first globally unique identification number..."** For this reason alone claim 9 should be allowed.

Moreover, Applicants' Background section and Hopmann are not properly considered together.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

or suggestion supporting the combination. Under section 103, teachings of references can *only* be combined if there is some suggestion or incentive to do so.

(*In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (emphasis original)). There is certainly no teaching or suggestion in Applicants' Background section to use a globally unique identifier of Hopmann for BIOS routines, and the Office action fails to cite any portion of Hopmann that suggests identifying a **network** resource that has any applicability to BIOS routines. Thus, for this additional reason claim 9 should be allowed.

Based on the foregoing, Applicants respectfully submit that claim 9 is not rendered obvious by their Background section in view of Hopmann, and thus claim 9 should be allowed together with claims that depend from claim 9 (claims 10-17).

D. Claim 18

Claim 18 stands rejected as allegedly obvious over admitted prior art and Hopmann.

Applicants' Background section, in paragraph [0005], discusses assignment of a "services number" to a new BIOS routine by a BIOS call owner. (Specification Paragraph [0005]). Applicants' paragraph [0007] discusses a kernel level software (driver) that looks to a BIOS information table to obtain a BIOS version number and date, and determines therefrom whether the BIOS supports a particular BIOS routine. (Specification Paragraph [0007]). Thus, the comparison discussed in paragraph [0007] is to determine whether a particular BIOS routine, called by a services number, is supported in the BIOS. Hopmann appears to be directed to a method, data structure and computer program product for identifying a network resource. (Hopmann Title).

Claim 18, by contrast, specifically recites, "a set of BIOS routines stored on the BIOS ROM, each BIOS routine invoked by a service number; and a correlation table stored on the BIOS ROM, the correlation table correlates a **Globally Unique Identifier (GUID)** to a service number for at least one BIOS routine." Applicants respectfully submit that their Background section fails to

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

teach or suggest a unique identification number separate and apart from the "services number." Paragraph [0005] discusses assigning of a services number to a BIOS routine. Paragraph [0007] discusses determining whether a BIOS has a particular BIOS routine. The table of paragraph [0007] is discussed to contain only a BIOS version number and date. Even if the teachings of Hopmann were to be interpreted precisely as described in the Office action (which Applicants do not admit), the teachings are woefully short of "a correlation table stored on the BIOS ROM, the correlation table correlates a Globally Unique Identifier (GUID) to a service number for at least one BIOS routine." For this reason alone claim 18 should be allowed.

Moreover, Applicants' Background section and Hopmann are not properly considered together. (*In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992)). There is certainly no teaching or suggestion in Applicants' Background section to use a globally unique identifier of Hopmann for BIOS routines, and the Office action fails to cite any portion of Hopmann that suggests identifying a **network** resource has any applicability to BIOS routines. Thus, for this additional reason claim 18 should be allowed.

Based on the foregoing, Applicants respectfully submit that claim 18 is not rendered obvious by their Background section in view of Hopmann, and thus claim 18 should be allowed together with claims that depend from claim 18 (claims 19-20).

E. Claim 21

Claim 21 stands rejected as allegedly anticipated by admitted prior art. Applicants amend claim 1 to remove limitations not needed to define over the cited art.

Applicants' Background section, in paragraph [0005], discusses assignment of a "services number" to a new BIOS routine by a BIOS call owner. (Specification Paragraph [0005]). Applicants' paragraph [0007] discusses a kernel level software (driver) that looks to a BIOS information table to obtain a BIOS version number and date, and determines therefrom whether a BIOS supports a particular BIOS routine. (Specification Paragraph [0007]). Thus, the

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

comparison discussed in paragraph [0007] is to determine whether a particular BIOS routine, called by a services number, is supported in the BIOS.

Claim 21, by contrast, specifically recites, "identifying a plurality of BIOS routines with unique identification numbers; correlating the unique identification numbers to BIOS routine service numbers in a data table; and determining ... from the data table a service number of a first BIOS routine based on a first unique identification number for the first BIOS routine" Applicants respectfully submit that their Background section fails to teach or suggest a unique identification number separate and apart from the "services number." Paragraph [0005] discusses assigning of a services number to a BIOS routine. Paragraph [0007] discusses determining whether a BIOS has a particular BIOS routine. If the "services number" discussed in paragraph [0005] is hypothetically considered to be the claimed unique identification number as suggested by the Office action, then the claimed "determining...from the data table a service number of a first BIOS routine based on a first unique identification number" becomes nonsensical. Conversely, if the "services number" discussed in paragraph [0005] is hypothetically considered to be the claimed services number, then the Background section fails to teach or suggest the unique identification number.

Based on the foregoing, Applicants respectfully submit that claim 21 is not taught or rendered obvious by their Background section, and thus claim 21 should be allowed together with claims that depend from claim 21 (claims 22-26).

IV. NEW CLAIMS

With this Response, Applicants present new claims 31-34, which correspond roughly to original claims 27-30, but in more appropriate means-plus function form. No new matter is presented, and Applicants respectfully submit that their Background section does not teach or suggest these limitations.

V. CONCLUSION

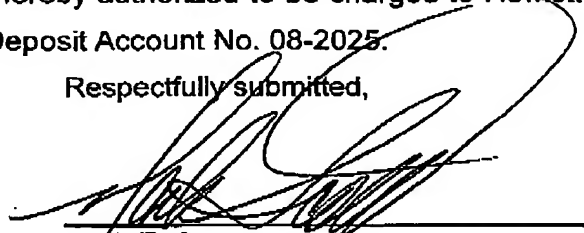
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that

Appl. No. 10/034,220
Amdt. dated February 11, 2005
Reply to Office action of December 9, 2004

the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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